

**City of Westminster
Planning Department
Applicant's Guide For:**

CONDITIONAL USE PERMIT

PURPOSE

Most zoning districts have various permitted uses, some of which are allowed only after special consideration by the Planning Commission, known as a Conditional Use Permit (CUP). Additionally, there are uses that are permitted only by CUP in different zones, depending on the compatibility with surrounding uses. Examples of CUP applications are; request to sell beer and wine, provision of live entertainment or karaoke, used automobile sales lots, and some home occupations.

The purpose of a CUP is to allow for special consideration of certain specified uses that may or may not be consistent with an area depending on the specifics of the particular project. Since a zoning ordinance cannot be drafted to deal equitable with every circumstance, the CUP process gives the City the flexibility to determine whether a specific land use on a given site will be compatible with the environment and the General Plan. In reviewing a CUP application, the staff and Planning Commission will evaluate such items as building placement and size, traffic generation, noise, hours of operation, parking, circulation, landscaping and overall compatibility of uses with adjoining properties and other related development impacts. Conditions may be imposed as necessary to insure that the proposed use will be compatible with the environment.

PROCESS

Preliminary Plan Review: Preliminary plan review may be required for CUP applications so that staff can provide the applicant with as much information as possible regarding general staff consensus, possible conditions and what additional plans or data is necessary to complete the process. The preliminary plan review process is helpful to the applicant because it allows them enough information to determine if the project is feasible prior to paying for detailed plans and filing fees. **Preliminary review may not be necessary for all CUP's.**

Filing the Formal Application: After preliminary plan review and most concerns are resolved, the applicant may file the application. The applicant should submit the complete application, filing fee and other required information to the Planning Department. A Planner will be assigned to review the material and make sure the application is complete. The applicant will be notified within 30 days after filing as to the status of the project. After completeness is determined, the project will be placed on the next available Planning Commission agenda.

Environmental Review: All conditional use permit requests are required to have an environmental assessment to determine whether it is necessary to prepare a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report (EIR). If an EIR is required, the applicant should request a meeting with the assigned staff planner to determine the procedure for EIR adoption.

Staff Review: The Planning staff reviews the relationship of the application with the Zoning Ordinance and General Plan and analyzes the environmental, traffic, land use and other potential impacts the project may pose to the community. Each of the City's other departments is encouraged to provide input and list any potential impacts the project may have on its function. A written staff report is prepared for the Planning Commission, which includes a description of the proposal, staff recommendation and suggested conditions. The staff report is available to the applicant, property owner and the Planning Commission the Friday before the meeting. Copies of reports are also available to the public after they have been sent to the Planning Commission.

Planning Commission Review: The Planning Commission is required to hold at least one public hearing on a CUP application. At least 10 days prior to the meeting, owners of property within 500 feet (300 feet for Home Occupation Permits) of the subject site are notified by mail of the forthcoming hearing. A notice of public hearing is also posted at the subject site, City Hall and outside the City Council Chambers.

At the meeting, staff makes a presentation on the application, which is followed by questions from the Commissioners. The public hearing is then open, first hearing from people in favor of the application, then by project opponents and finally rebuttal statements. The Planning Commission then closes the public hearing and makes a decision approving, conditionally approving, or denying the request or deferring action to a later date. The Planning Commission's decision is final, unless appealed, 15 days after the action.

Appeal: An appeal of a Planning Commission decision may be filed with the City Council within 15 days of the Planning Commission's action, with receipt of a filing fee and a detailed explanation for the appeal. The City Council public hearing process is carried out in the same manner as the Planning Commission meeting. The City Council may refer the matter back to the Planning Commission for further consideration or reverse, affirm or modify the conditional approval of the Commission's decision. City Council decisions are final.

CUP'S LIMITED TO C-1 LOCAL COMMERCIAL DISTRICTS (See 17.22.010 D):

- * Alcohol Sales (for on or off-site consumption)
- * Amusement Centers/Arcades (5 or more devices/games)
- * Auto Service Stations
- * Billiard Centers/Pool Halls
- * Bus Depots
- * Entertainment
- * Health Clubs/Gymnasiums
- * Pawn Shops
- * Sauna
- * Taxi Cab Dispatch
- * Turkish Bath

LIMITED TO C-2 GENERAL COMMERCIAL DISTRICTS (see 17.24.010 C):

- * All Uses Permitted in C-1 Above
- * Auto Repair (excluding auto body or auto painting)
- * Secondhand, thrift or used merchandise shops
- * Tattoo Parlor (including cosmetic tattoos)
- * Used Car Sales (excluding repair or reconditioning)

LIMITED TO P/SP PUBLIC/SEMI-PUBLIC DISTRICTS (see 17.33.020 E):

- * Churches
- * Plant Nurseries
- * RV Storage Areas

PERMITTED IN ANY ZONE WITH A CUP (see 17.50):

- * Adult Daycare Facilities
- * Airports, Heliports and Landing Fields
- * Amusement Centers
- * Amusement Resorts
- * Billiard Center or Pool Hall
- * Commercial Stables
- * Commercial Kennels & Veterinary Hospitals
- * Food Markets (in association with service stations with off-sale alcohol)
- * Home Occupations
- * Hospitals, Clinics and Sanitariums
- * Massage Parlors
- * Mining or Quarrying or other Earth Extraction
- * Mobile Home Parks
- * Motels
- * Nursery Schools
- * Palm Reading (and similar uses)
- * PCS facilities
- * Prospecting or Drilling Wells
- * Public Utility buildings or structures
- * Renting of Rooms
- * Schools, Colleges, Public Playgrounds, and Athletic Fields
- * Senior Citizen Dwelling (Granny flats)
- * Senior Housing Developments
- * Service Stations
- * Storage Garages

- * Swap Meets
- * Theaters, including Drive-Ins
- * Veterinary Hospitals

CUPs WITH LIMITATIONS (see 17.50.040):

- * Clinics
- * Community Care Facilities (Six or More)
- * Dormitories
- * Health Facilities
- * Juvenile Placement Facilities
- * Recovery Houses (Drug & Alcohol Rehab)
- * Renting of Rooms